

Carlos Makoto Taitano, State Bar No. 275820
makoto@taitano.us.com
MFPR Roppongi Azabudai Bldg. 11th Floor
1-8-7 Roppongi
Minato-ku, Tokyo 106-0032 Japan
Telephone: 81 80 8081 6527
Facsimile: 81 3 6234 1586

Attorney for Applicant
Mitsuki Kumada

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re Ex Parte Application of)
Mitsuki Kumada,) Case Number: 22-mc-80095
Applicant.) **DECLARATION OF MITSUKI**
) **KUMADA IN SUPPORT OF MITSUKI**
) **KUMADA'S *EX PARTE***
) **APPLICATION FOR AN ORDER**
) **PURSUANT TO 28 U.S.C. § 1782**
) **AUTHORIZING DISCOVERY FOR**
) **USE IN FOREIGN PROCEEDINGS**
)
)

I, Mitsuki Kumada, declare as follows:

1. I am a licensed medical doctor in Japan.
2. I am a sole proprietor *doing business as* Kumada Eye Clinic (the "**Clinic**").
3. The principal place of business of the Clinic is located at 1-16-1 Akutami Minamiyama, Gifu-shi, Gifu 501-3133 Japan.
4. The Clinic is an ophthalmology clinic.
5. I am the Director of the Clinic, and as the Director of the Clinic, I oversee the business operations of the Clinic and have personal knowledge of the affairs of the Clinic.
6. I have personal knowledge of each of the matters stated herein.

1 7. I submit this declaration in support of Mitsuki Kumada's *Ex Parte*
2 Application for an Order Pursuant to 28 U.S.C. § 1782 Authorizing Discovery for Use in
3 Foreign Proceedings.

4 8. Many prospective and current patients of the Clinic find and contact the
5 Clinic by searching for the Clinic on the Google search engine.

6 9. The Clinic maintains a Google My Business account, by which the Clinic is
7 able to edit its business profile, including its physical location, that appears on various
8 services operated by Google, including the Google search engine and Google Maps.

9 10. When prospective patients search for the Clinic on the Google search
10 engine, the Clinic's Google business profile contained on the Clinic's Google My
11 Business account and reviews and ratings of the Clinic are displayed as Google search
12 results and on Google Maps.

13 11. The Clinic's Google Maps Place ID is
14 "ChIJ_ZdLBxgHA2ARsc4mjYkNwbc" and a sample Google Maps review of the Clinic
15 can be viewed at:
16 [https://www.google.com/maps/contrib/116695234689465416009/place/ChIJ_ZdLBxg](https://www.google.com/maps/contrib/116695234689465416009/place/ChIJ_ZdLBxgHA2ARsc4mjYkNwbc)
17 [HA2ARsc4mjYkNwbc](https://www.google.com/maps/contrib/116695234689465416009/place/ChIJ_ZdLBxgHA2ARsc4mjYkNwbc).

18 12. On April 3, 2021, Japan time, an anonymous individual (the "**First**
19 **Anonymous Individual**"), using the Google Account with the display name of "*Muto*
20 *Hiroshi*" ("武藤寛" in Japanese) (the "**First Google Account**"), rated the Clinic with a
21 one-star rating without a descriptive review of the Clinic. Subsequently, on or around
22 May, 2021, the First Anonymous Individual added a review of the Clinic to Google Maps
23 (the review and the rating by the First Anonymous Individual are collectively the "**First**
24 **Review**").

25 13. On June 30, 2021, Japan time, an anonymous individual (the "**Second**
26 **Anonymous Individual**"), using the Google Account with the display name of
27 "*Watanabe Nozomi*" ("渡辺希" in Japanese) (the "**Second Google Account**"),
28

1 published a review of the Clinic to Google Maps and rated the Clinic with a one-star
2 rating (the “**Second Review**”).

3 14. On June 30, 2021, Japan time, an anonymous individual (the “**Third**
4 **Anonymous Individual**”), using the Google Account with the display name of “*m*
5 *NAGASE*” (the “**Third Google Account**”), rated the Clinic with a one-star rating
6 without a descriptive review of the Clinic (the “**One Star Rating**”, and collectively with
7 the First Review and the Second Review, the “**Subject Reviews and Ratings**”).
8 Attached as **Exhibit 1** is a true and correct copy of each of the Subject Reviews and
9 Ratings and their respective web page addresses.

10 15. Sometime before September 14, 2020, Japan time, an anonymous
11 individual (the “**Fourth Anonymous Individual**”, and collectively with the First
12 Anonymous Individual, the Second Anonymous Individual, and the Third Anonymous
13 Individual, the “**Anonymous Individuals**”), using a Google Account which display
14 name is unknown (the “**Fourth Google Account**”), without the permission of the
15 Clinic, added a location of the Clinic that does not exist to Google Maps (the “**Location**
16 **Edit**”). Attached as **Exhibit 2** is a true and correct copy of the correct location of the
17 Clinic being shown on Google Maps. Attached as **Exhibit 3** is a true and correct copy of
18 the Location Edit, which is an incorrect location of the Clinic that was added by the
19 Fourth Anonymous Individual shown on Google Maps.

20 16. Internet users with a Google Account can suggest new locations of
21 businesses through Google Maps.

22 17. Because many of the Clinic’s patients contact the Clinic through the
23 internet, the Subject Reviews and Ratings damaged the reputation of the Clinic and had
24 a significant negative effect on the Clinic’s business operations, whereby I experienced a
25 significant decrease in the number of new patients contacting the Clinic after the Subject
26 Reviews and Ratings were published.

20. Because the location to which the Location Edit pointed to was close-by to a different ophthalmology clinic that is not the Clinic, I believe that a competitor caused the Location Edit to prevent or confuse prospective and current patients from locating the Clinic's correct location.

22. I consulted and hired Attorney Kazuyuki Yasuho about filing civil lawsuits in Japan against the Anonymous Individuals. I was advised by Attorney Yasuho that I would need to first discover the true identities of the Anonymous Individuals, because the true identities of the Anonymous Individuals are necessary to file the civil lawsuits against the Anonymous Individuals in Japan.

23. Once the true identities of the Anonymous Individuals are revealed, I intend to and will file civil lawsuits against the Anonymous Individuals for damaging the Clinic.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

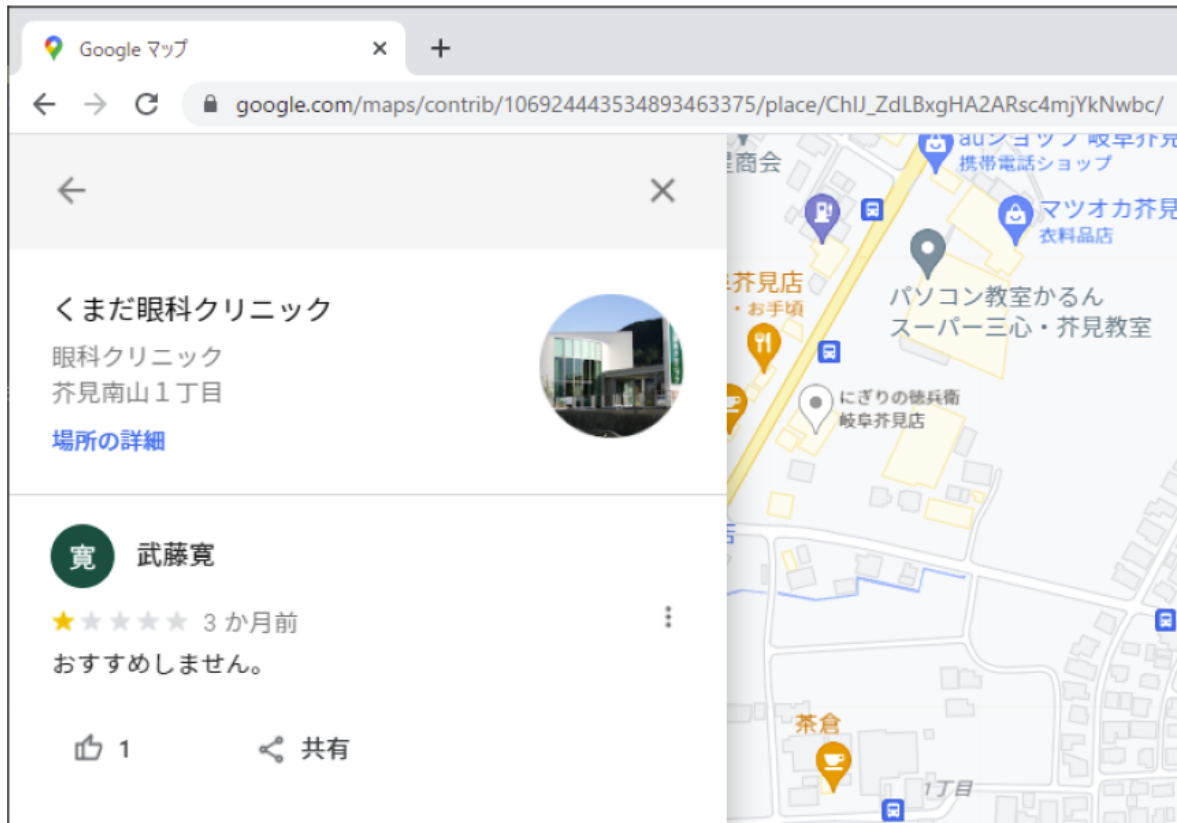
Executed on March 19, 2022.

熊回 充起

MITSUKI KUMADA

Webpage address:

https://www.google.com/maps/contrib/106924443534893463375/place/ChIJ_ZdLBxgHA2ARsc4mjYkNwbc/

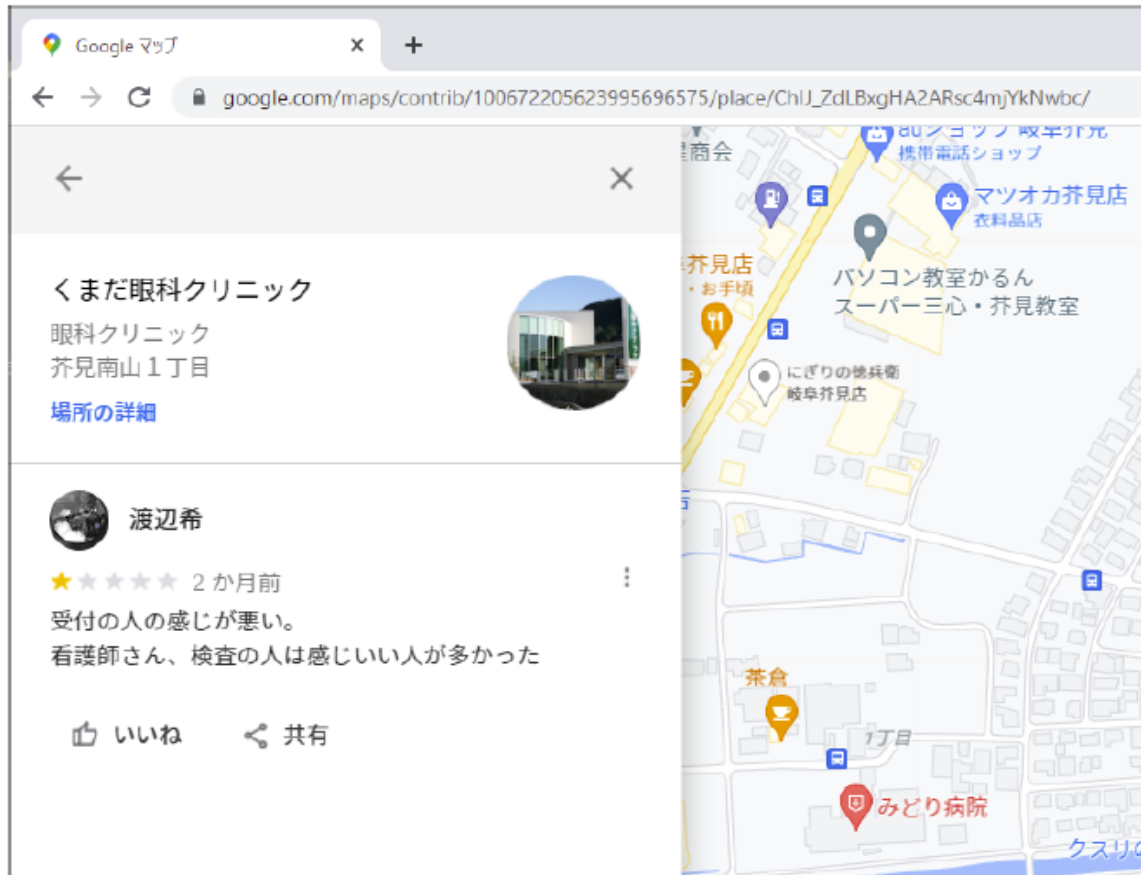


武藤寛

おすすめしません。

Webpage address:

https://www.google.com/maps/contrib/100672205623995696575/place/ChIJ_ZdLBxgHA2ARsc4mjYkNwbc/



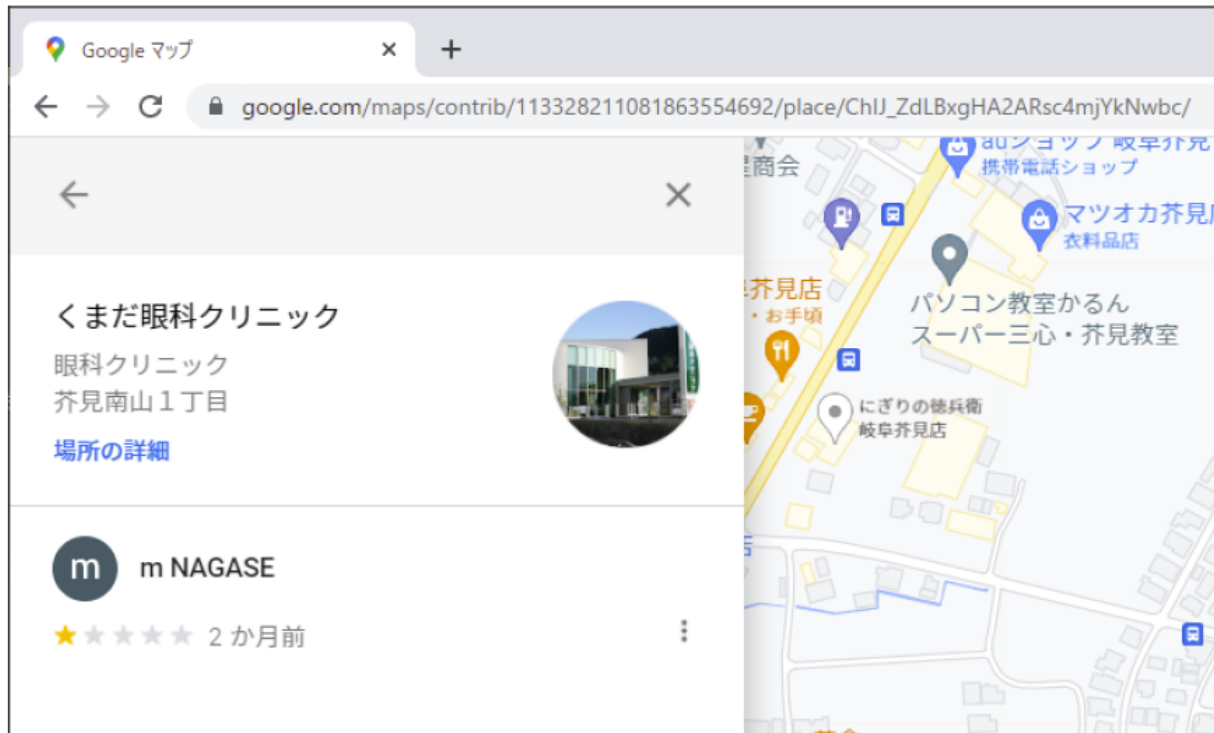
渡辺希

受付の人の感じが悪い。

看護師さん、検査の人は感じいい人が多かった

Webpage address:

https://www.google.com/maps/contrib/113328211081863554692/place/ChIJ_ZdLBxgHA2ARsc4mjYkNwbc/



m NAGASE

Webpage Address of Correct Location:

https://www.google.com/maps/place/%E3%81%8F%E3%81%BE%E3%81%A0%E7%9C%BC%E7%A7%91%E3%82%AF%E3%83%AA%E3%83%8B%E3%83%83%E3%82%AF/@35.4555775,136.8524786,17z/data=!3m1!4b1!4m6!3m5!1sox60030718074b97fd:oxb7c10d898d26ceb1!8m2!3d35.4555732!4d136.8546673!16s%2Ftct8m_4



Wepage Address of Wrong Location:

<https://www.google.com/maps/place/くまだ眼科クリニック/@35.4860677,136.8656798,17z/data=!3m1!4b1!4m5!3m4!1sox60030129209cbbdd:ox1006fdfde8497fd9!8m2!3d35.4860677!4d136.8678738>

